IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

MISC. CIVIL APPLICATION NO.49 OF 2007

Ramdas Namdeo Pokharkar : Applicant

V/s.

Mrs.Anita Ramdas Pokharkar : Respondent

...

Mr.V.M.Bhate for the applicant.

Mr.R.S.Kolnoorkar for the respondent.

...

WITH

MISC. CIVIL APPLICATION NO.82 OF 2007

Mrs.Anita Ramdas Pokharkar : Applicant

V/s.

Ramdas Namdeo Pokharkar : Respondent

...

Mr.R.S.Kolnoorkar for the applicant.

Mr.V.M.Bhate for the respondent.

...

**CORAM : S.A.BOBDE, J.**

DATE : OCTOBER 04, 2007.

**P.C**.

1. Both the parties to the marriage have preferred these Misc. Civil Applications for transfer of the proceedings pending in one Court to the Court where they have instituted proceedings.

2. The applicant in Misc. Civil Application no.49 of 2007, who is the husband, has applied for transfer of the proceedings for divorce filed by the wife at Pune. The prayer of the husband is to have the proceedings transferred to the Family Court at Bandra, Mumbai, where he has sued the wife for custody.

3. Misc. Civil Application no.82 of 2007 is filed by the wife for transfer of the custody proceedings from Family Court at Bandra, Mumbai, to the Court at Pune where she has instituted the proceedings for divorce.

4. There is no dispute that the husband is gainfully employed and has income. There is also no dispute that the wife has no source of income and is living with her mother. The distance between the two places is short and there would be no major inconvenience or prejudice to the husband if he were to participate and defend the proceedings at Pune.

5. Having regard to the circumstances of the case, Misc. Civil Application no.49 of 2007 filed by the husband is hereby dismissed. Misc. Civil Application no.82 of 2007 filed by the wife for transfer is hereby allowed in terms of prayer clause (a) which reads as follows:-

"(a) That this Hon’ble Court be pleased to transfer the Matrimonial Petition of the Respondent being Matrimonial Petition No.21 of 2006 from the Hon’ble Family Court, Bandra, Mumbai, to the Hon’ble Civil Judge, Senior Division, Pune and decide the same along with the Matrimonial Petition No.473 of 2006 filed by the Applicant".

S.A. BOBDE, J.